

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

|                                 |   |                           |
|---------------------------------|---|---------------------------|
| SL MONTEVIDEO TECHNOLOGY, INC., | ) |                           |
|                                 | ) |                           |
| Plaintiff,                      | ) | Hon. Richard H. Kyle      |
|                                 | ) | Magistrate Judge Noel     |
| v.                              | ) |                           |
|                                 | ) | Case No.: 03-3302 RHK/FLN |
| EATON AEROSPACE, LLC, and       | ) |                           |
| ASTROMECC, INC.,                | ) |                           |
|                                 | ) |                           |
| Defendants.                     | ) |                           |

**CERTIFICATE OF COMPLIANCE WITH LOCAL RULE 37.1  
AND FEDERAL RULE OF CIVIL PROCEDURE 26(c)**

I, Michael H. King, attorney of record for Eaton Aerospace, LLC and Astromec, Inc., certify that I have complied with the requirements of Local Rule 37.1 and Federal Rule of Civil Procedure 26(c) and have in good faith conferred or attempted to confer with other affected parties in an effort to resolve the matter without Court action:

1. On May 17, 2005, my partner, Elizabeth Bradshaw, after discovering that Plaintiff's counsel noticed a deposition date without first consulting with opposing counsel, emailed Plaintiff's counsel and indicated that although May 27<sup>th</sup> was not a good day for the deposition, she would try to make Plaintiff's chosen date work. On May 18, 2005, after Ms. Bradshaw discovered that neither Dr. Neuhalfen nor Eaton's counsel were available on May 27, 2005, she contacted Plaintiff's counsel requesting to reschedule the date of Dr. Neuhalfen's deposition. Plaintiff's counsel refused to reschedule the deposition.

2. On May 20, 2005, I called Plaintiff's counsel to explain that Dr. Neuhalfen, Ms. Bradshaw and I were unavailable on May 27, 2005. Again, Plaintiff's counsel refused to reschedule Dr. Neuhalfen's deposition.

3. On May 23, 2005, I sent another email to Plaintiff's counsel stating that Dr. Neuhalfen's deposition could not proceed on May 27, 2005. I explained that if counsel persisted in refusing to accommodate the schedule of both the witness and counsel, I would file a motion with the Court. Plaintiff's counsel did not respond.

4. On May 25, 2005, Ms. Bradshaw requested that Plaintiff waive the requirement to produce documents in alphabetical order. Plaintiff's counsel refused.

5. As of the time of filing this document, Plaintiff has not agreed to reschedule Dr. Neuhalfen's deposition, has indicated an intention to proceed with the deposition on May 27, 2005 and continues to demand that documents be produced alphabetically.

Dated: May 25, 2005

*s/ Michael H. King*  
Michael H. King